

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL IMMEDIATE

C O N F I D E N T I A L STATE 155798

EXDIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: ROK FOREIGN MINISTER RESPONDS TO SENATE LETTER
TO PRESIDENT PARK RE KIM DONG-JO TESTIMONY

REF: STATE 136860

1. ROK EMBASSY HAS PROVIDED US WITH COPY OF FOLLOWING
LETTER OF JUNE 15 FROM ROK FOREIGN MINISTER PARK TONG-JIN
TO SENATOR STEVENSON IN LATTER'S CAPACITY AS CHAIRMAN
OF SENATE ETHICS COMMITTEE. LETTER, WHICH IS IN RESPONSE
TO THE LETTER FROM STEVENSON ET AL TO PRESIDENT PARK
CHUNG-HEE OF MAY 25 (REFTEL), WAS DELIVERED TO STEVENSON
TODAY, JUNE 19.

2. BEGIN TEXT:

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(A) DEAR MR. CHAIRMAN:

(B) YOUR RECENT LETTER ADDRESSED BY YOU, YOUR VICE
CHAIRMAN AND THE MAJORITY AND MINORITY LEADERS OF THE
UNITED STATES SENATE TO THE PRESIDENT OF THE REPUBLIC OF
KOREA WHICH REACHED HERE ON JUNE 7TH HAS BEEN REFERRED TO
ME FOR REPLY.

(C) MY GOVERNMENT ALSO HIGHLY VALUES THE MUTUAL CONFIDENCE AND RESPECT WHICH HAVE CHARACTERIZED THE RELATIONSHIP BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES AND WOULD CONTINUE TO ENDEAVOR TO FURTHER STRENGTHEN THAT RELATIONSHIP. IT WAS TO THIS END THAT THE REPUBLIC OF KOREA GOVERNMENT HAD AGREED TO MR. TONG SUN PARK'S GIVING TESTIMONY BEFORE THE ETHICS COMMITTEES OF THE UNITED STATES CONGRESS, IN ADDITION TO HIS FULL COOPERATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE.

(D) YOUR REQUEST FOR AN OPPORTUNITY TO COMMUNICATE FACE TO FACE WITH FORMER AMBASSADOR KIM DONG JO IS, HOWEVER, A DIFFERENT MATTER. WHEN HE WAS ACCREDITED TO THE UNITED STATES, AMBASSADOR KIM REPRESENTED THE FULL SOVEREIGN AUTHORITY OF THE REPUBLIC OF KOREA IN THE UNITED STATES. THE VIENNA CONVENTION, TO WHICH THE REPUBLIC OF KOREA, THE UNITED STATES AND 123 NATIONS ARE PARTIES, ENSURES, AMONG OTHER THINGS, THAT A DIPLOMATIC AGENT SUCH AS FORMER AMBASSADOR KIM "IS NOT OBLIGED TO GIVE EVIDENCE AS A WITNESS."

(E) IT IS THE OPINION OF MY GOVERNMENT THAT IN THE CIRCUMSTANCES THAT HAVE BEEN CREATED BY THE ALLEGATIONS RELATING TO FORMER AMBASSADOR KIM, A FACE TO FACE COMMUNICATION BETWEEN REPRESENTATIVES OF YOUR COMMITTEE AND FORMER AMBASSADOR KIM IS INCOMPATIBLE WITH CONFIDENTIAL

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THE VIENNA CONVENTION'S GRANT OF DIPLOMATIC IMMUNITY.

(F) IT IS NOT AT ALL THE CASE THAT FORMER AMBASSADOR KIM IS ONLY PREVENTED BY MY GOVERNMENT FROM COOPERATING WITH YOUR COMMITTEE. MY GOVERNMENT -- AND FORMER AMBASSADOR KIM -- ARE MAKING EFFORTS TO MAINTAIN THE INTEGRITY OF THE VIENNA CONVENTION TO WHICH THE UNITED STATES IS ALSO A PARTY. MY GOVERNMENT BELIEVES THAT IT OWES NO LESS TO ITSELF AND THE COMMUNITY OF NATIONS.

(G) I MUST RESPECTFULLY DISAGREE WITH YOUR STATEMENT THAT THE PRINCIPLE OF COMITY BETWEEN NATIONS REQUIRES OF KOREA WHAT YOUR COMMITTEE REQUESTS. YOUR GOVERNMENT WOULD ALSO DISAGREE IF THE SITUATIONS OF OUR TWO STATES WERE REVERSED. IN RECENT TESTIMONY BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE, DEPUTY SECRETARY OF STATE CHRISTOPHER SAID THAT "NO PRINCIPLE OF COMITY WOULD CAUSE US (THE UNITED STATES) TO WAIVE THE VIENNA CONVENTION AND VOLUNTARILY MAKE OUR AMBASSADORS AVAILABLE FOR INTERROGATION." IF COMITY WERE ALLOWED TO PREVAIL WHENEVER THERE WERE DISAGREEMENTS BETWEEN FRIENDS, THE SPECIFIC PROTECTIONS PROVIDED BY THE VIENNA

CONVENTION AND THE BROADER PURPOSE THEY SERVE OF MAKING

POSSIBLE THE CONDUCT OF RELATIONS BETWEEN STATES WOULD
BE OBLITERATED.

(H) MY GOVERNMENT REMAINS MOST DESIROUS OF PUTTING AN
EARLY END TO THIS UNFORTUNATE AFFAIR SO AS TO REMOVE
A SOURCE OF IRRITATION BETWEEN OUR FRIENDLY NATIONS. IT
IS WILLING TO DO ITS BEST IN ACCOMMODATING YOUR COMMIT-
TEE'S WISHES IN ORDER TO FURTHER THAT END SO LONG AS
WHATEVER IS DONE IS CONSISTENT WITH THE VIENNA CONVENTION.
ALTHOUGH FACE TO FACE INTERROGATION OF THE FORMER
AMBASSADOR IS OUT OF THE QUESTION, MY GOVERNMENT WOULD
BE HAPPY TO EXPLORE THE POSSIBILITY THAT MR. KIM COULD
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IN A PRIVATE WRITTEN COMMUNICATION ATTEMPT TO CLARIFY
THE SITUATION WITH RESPECT TO ALLEGATIONS CONCERNING
MEMBERS OF THE SENATE.

(I) PLEASE BE ASSURED ONCE AGAIN THAT WE STAND READY
TO CONTINUE DIALOGUE WITH THE UNITED STATES SIDE IN ORDER
TO FIND AN EARLY SOLUTION TO THIS MATTER GUIDED BY THE
SPIRIT OF MUTUAL RESPECT AND UNDERSTANDING.

(J) SINCERELY, TONG JIN PARK. END TEXT. VANCE

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